

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Loren R. Black III
Debtor(s)

Bankruptcy Case No.: 15-22081-TPA
Per October 11, 2018 proceeding
Chapter: 13
Docket No.: 79 – 75, 76
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 17, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The length of the plan remains a total of 60 months.

A fee application is needed if any fee (including retainer) exceeds \$4,000, including any fees paid to prior counsel.

The secured claim of the following creditors shall govern, and then following all allowed post petition payment change notices filed of record: JP Morgan Chase Bank (Claim No. 17)

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: October 15, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Loren R. Black, III
 Debtor

Case No. 15-22081-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

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 Total Noticed: 39

Date Rcvd: Oct 15, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 17, 2018.

db +Loren R. Black, III, 29 Schell Avenue, Monessen, PA 15062-2131
 cr JPMorgan Chase Bank, National Association, Chase Records Center, Correspond Mail,
 Mail Code LA4-5555 700 Kansas Lane, Monroe, LA 71203
 14058881 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 15019, Wilmington, DE 19886)
 14120392 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14093413 CAPITAL ONE, N.A., C/O BECKETT AND LEE LLP, POB 3001, MALVERN, PA 19355-0701
 14058886 Chase, Cardmember Services, PO Box 15153, Wilmington, DE 19886-5153
 14058885 +Chase, PO Box 78420, Phoenix, AZ 85062-8420
 14058887 +Chase Mortgage, PO Box 24696, Columbus, OH 43224-0696
 14066116 +First National Bank of Omaha, 1620 Dodge Street, Stop Code 3105, Omaha, NE 68197-0003
 14108362 +JPMorgan Chase Bank, N.A., 3415 Vision Drive, OH4-7142, Columbus, OH 43219-6009
 14058889 +Kara Black, 29 Schell Avenue, Monessen, PA 15062-2131
 14058890 +Kay Jewelers, PO Box 1799, Akron, OH 44309-1799
 14088248 +Midland Credit Management, Inc. as agent for MIDL, PO Box 2011, Warren, MI 48090-2011
 14058896 +Sears/CBNA, POB 6282, Sioux Falls, SD 57117-6282
 14058897 +Subaru Motors Finance/Chase Auto Finance, PO Box 901037, Fort Worth, TX 76101-2037
 14078015 Wells Fargo Bank, N.A., PO Box 10438, Des Moines, IA 50306-0438
 14058903 +Wells Fargo Financial National Bank, CSCL Dispute Team, MAC N8235-04M, PO Box 14517,
 Des Moines, IA 50306-3517
 14058902 ++Wells Fargo Financial National Bank, PO Box 660431, Dallas, TX 75266-0431

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 16 2018 02:56:16
 PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
 14067346 E-mail/Text: ally@ebn.phinsolutions.com Oct 16 2018 02:49:55 Ally Financial,
 PO Box 130424, Roseville, MN 55113-0004
 14058880 E-mail/Text: ally@ebn.phinsolutions.com Oct 16 2018 02:49:55 Ally Financial,
 PO Box 380901, Minneapolis, MN 55438-0901
 14058884 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 16 2018 02:57:06 Capital One,
 PO Box 30281, Salt Lake City, UT 84130-0281
 14058883 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 16 2018 02:57:06 Capital One,
 PO Box 71083, Charlotte, NC 28272-1083
 14086404 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 16 2018 02:57:07
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14058888 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 16 2018 02:50:17
 Comenity - Value City Furniture, PO Box 659704, San Antonio, TX 78265-9704
 14092412 E-mail/Text: bk.notifications@jpmchase.com Oct 16 2018 02:50:17 JPMorgan Chase Bank N.A.,
 National Bankruptcy Department, P.O.Box 29505 AZ1-1191, Phoenix, AZ 85038-9505
 14058891 +E-mail/Text: BKRMailOPS@weltman.com Oct 16 2018 02:50:09 Kay Jewelers, 375 Ghent Road,
 Fairlawn, OH 44333-4600
 14058892 +E-mail/Text: bnckohlsnotices@becket-lee.com Oct 16 2018 02:50:01
 Kohl's Department Stores, Inc., PO Box 3043, Milwaukee, WI 53201-3043
 14058893 +E-mail/Text: bnckohlsnotices@becket-lee.com Oct 16 2018 02:50:01 Kohls/Capital One,
 PO Box 3115, Milwaukee, WI 53201-3115
 14058894 +E-mail/PDF: gecsedirecoverycorp.com Oct 16 2018 02:57:04 Lowe's/Synchrony Bank,
 PO Box 530914, Atlanta, GA 30353-0914
 14658066 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 16 2018 03:26:31
 Portfolio Recovery Associates, LLC, PO BOX 41067, Norfolk, VA 23541
 14112642 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 16 2018 02:57:09
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14091651 E-mail/Text: bnc-quantum@quantum3group.com Oct 16 2018 02:50:20
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14058895 +E-mail/PDF: gecsedirecoverycorp.com Oct 16 2018 02:56:10 R Us Credit Card/SYNCB,
 PO Box 530938, Atlanta, GA 30353-0938
 14058898 E-mail/PDF: gecsedirecoverycorp.com Oct 16 2018 02:57:04 SYNCB/Amazon PLCC,
 PO Box 965015, Orlando, FL 32896-5015
 14058899 +E-mail/PDF: gecsedirecoverycorp.com Oct 16 2018 02:56:11 SYNCB/JCPenny, PO Box 965090,
 Orlando, FL 32896-0001
 14089851 +E-mail/Text: ec@buckleyking.com Oct 16 2018 02:49:56
 Sterling Jewelers, Inc. dba Kay Jewelers, c/o Buckley King LPA,
 600 Superior Avenue East, Suite 1400, Cleveland, Ohio 44114-2693
 14058900 +E-mail/PDF: gecsedirecoverycorp.com Oct 16 2018 02:55:27 Synchrony Bank/HH Gregg,
 PO Box 960061, Orlando, FL 32896-0061
 14058901 +E-mail/PDF: gecsedirecoverycorp.com Oct 16 2018 02:57:05 Synchrony Bank/Walmart,
 PO Box 965060, Orlando, FL 32896-5060

TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

District/off: 0315-2

User: lmar
Form ID: 149

Page 2 of 2
Total Noticed: 39

Date Rcvd: Oct 15, 2018

14058882* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, PO Box 982235, El Paso, TX 79998)
TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 17, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 15, 2018 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor JPMorgan Chase Bank, National Association
andygornall@latouflawfirm.com
Brian C. Thompson on behalf of Debtor Loren R. Black, III bthompson@ThompsonAttorney.com,
blemon@thompsonattorney.com; LMichaels@thompsonattorney.com; jwrzosek@thompsonattorney.com; mgillespie@thompsonattorney.com; bthompson@ecf.courtdrive.com; jgorze@thompsonattorney.com
James Warmbrodt on behalf of Creditor JPMorgan Chase Bank, National Association
bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5